

REMARKS/ARGUMENTS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided, for acknowledgement of Applicant's Information Disclosure Statement by return of the FORM PTO-1449, and for acknowledgement of Applicant's Claim for Priority and receipt of the certified copy of the priority document. However, Applicant notes that the Examiner has not acknowledged that the drawings are acceptable, and it is requested that the Examiner indicate the same in the next Official Action.

Upon entry of the above amendments claim 1 will have been amended. Claims 1-8 are currently pending. Applicant respectfully requests reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by either one of AL-BANNAI (U.S. Patent No. 6,001,019) and KIM et al. (U.S. Patent No. 5,846,070).

Although Applicant does not necessarily agree with the Examiner's rejection of the claims on these grounds, Applicant has nevertheless amended independent claim 1 to more clearly obviate the above-noted grounds of rejection, solely in order to expedite prosecution of the present application. In this regard, Applicant notes that both AL-BANNAI and KIM fail to teach or suggest the combination of elements as recited in amended claim 1. In particular, claim 1 as amended, sets forth a decorating device including, inter alia, a heating unit mounted to the base to emit heat; and a display provided on a

vertical wall of the base, and including a previously printed thermosensitive message, wherein heat emitted from the heating unit causes a color change of the message, such that said display displays the message.

In regard to AL-BANNAI, Applicant submits that AL-BANNAI lacks any disclosure of the above-noted combination of elements.

In this regard, the Examiner takes the position that AL-BANNAI discloses the present claimed invention. In particular, the Examiner asserts that AL-BANNAI discloses a heat unit (30 and 31, as characterized by the Examiner) and a display unit (18, as characterized by the Examiner). However, the device disclosed in AL-BANNAI is very different structurally from the decorating device of the present disclosure. More specifically, AL-BANNAI discloses placing a device on top of a cake, and igniting a candle (30) or sparkler (31). As the candle (30) or sparkler (31) burns down to the strap (26), the heat or flame burns through the strap (26) thereby releasing the flaps (14) which allows the banner (18) to be pushed upwardly by spring (20) and spread outwardly by spring (22) in a surprising and festive manner (see Col. 4, lines 6-18). That is, the elasticity of the springs (20 and 22) pushes the flaps open (14) in an upward direction, thereby allowing the banner (having the message printed thereon) to be popped up to an upward outer surface of the structure (4). Thus, AL-BANNAI does not teach or suggest a previously printed thermosensitive message, wherein heat emitted from the heating unit causes a color change of the message, such that said display displays the message, as recited in amended claim 1.

Further, Applicant submits that KIM also lacks any disclosure of the above-noted combination of elements.

In this regard, the Examiner takes the position that KIM discloses the present claimed invention. In particular, the Examiner asserts that KIM discloses a heat unit (31, as characterized by the Examiner) and a display unit (20, as characterized by the Examiner). However, the device disclosed in KIM is very different structurally from the decorating device of the present disclosure. More specifically, KIM discloses lighting a wick 31 of a candle portion to melt a vinyl sheet 53 of a switching plate 50, thereby allowing a first 51 and second aluminum plate 52 formed on the front and rear sides of the switching plate 50 to come in electrical contact with each other. As a result, a light of a light emitting diode 14 is refracted to the interior of a transparent plate 10 and emits the pattern of a concave groove 11 on which a word or a phrase indicative of the contents of commemorating a variety of parties or events is formed (see Col. 3, lines 6-21). Thus, KIM does not disclose a previously printed thermosensitive message, wherein heat emitted from the heating unit causes a color change of the message, such that said display displays the message., as recited in amended claim 1.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied references fail to disclose each and every element recited in independent claim 1 as well as claims 2-8 dependent therefrom, these claims are not anticipated thereby. Further, all pending

dependent claims recite additional features that further define the present invention over the prior art. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102 and allow all pending claims in the present application.

In the Official Action, the Examiner has rejected claims 3-8 under 35 U.S.C. § 103(a) as being unpatentable over KIM.

Applicant respectfully traverse the above-noted rejection of claims 3-8 under 35 U.S.C. § 103(a).

In this regard, the Examiner has taken Official Notice that the features recited in claims 3 and 4 are well-known in the art; that the feature recited in claim 5 is an obvious duplication of parts; that the feature recited in claim 6 is an obvious integration of parts; and that the features recited in claim 7 is an obvious design choice. However, Applicant submits that the Examiner has not provided any factual evidence to support his aforementioned positions. Therefore, Applicant respectfully requests that the Examiner withdraw the above-noted rejection. Further, if the Examiner decides to maintain the above-noted rejections, Applicant respectfully requests that the Examiner provide an appropriate teaching reference in support of each of the Examiner's above-noted assertions.

In regard to claim 8, the Examiner acknowledges that KIM does not disclose a transfer paper printed by a thermosensitive microcapsule product. Nevertheless, the Examiner takes the position that the product-by-process recitation of claim 8 does not impart any distinctive structural characteristics to

the apparatus, and is therefore an obvious process. However, contrary to the Examiner assertions, printing the transfer paper with a thermosensitive microcapsule product at least imparts the transfer paper with the capability to change color due to heat. Therefore, printing the transfer paper with a thermosensitive microcapsule product does impart a distinctive structural characteristic to the decorating device of the present claimed invention. Therefore, Applicant respectfully requests that the Examiner withdraw the above-noted rejection of claim 8.

Further, Applicant submits that dependent claims 3-8 are at least patentable due to their respective dependencies from claim 1 for the reasons noted above. In this regard, Applicant notes that the Examiner has provided no explanation or motivation for correcting the above-noted deficiencies in the teachings of AL-BANNAI and KIM. Applicant further submits that the Examiner's assertion of Official Notice, as well as the other assertions (for which no factual evidence has been provided), do not provide any teachings which could reasonably be characterized as curing the above-noted deficiencies in the teachings of AL-BANNAI and KIM. In this regard, Applicant submits that the Examiner has not asserted that either AL-BANNAI or KIM disclose a previously printed thermosensitive message, wherein heat emitted by a heating unit changes a color of the message, such that the display gradually displays the message.

In view of the arguments herein, Applicant submits that independent claim 1 is in condition for allowance. With regard to dependent claims 2-8, Applicant

asserts that they are allowable on their own merit, as well as because they depend from independent 1, which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

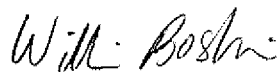
Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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